

IN THE CLAIMS:

Please amend claims 1, 21, 23 and 27 as follows:

1. (Currently Amended) In an apparatus for treating the exterior of a ruptured or degenerated spinal disc, the improvement comprising:

an elongate member comprising a proximal end including a handle thereon, and a curved distal end including a connector element thereon; and

a band of biocompatible material having a height of at least that of a spinal disc to be treated and having a first end releasably connectable to the connector element on the elongate member, the band having a length sufficient to wrap around an exterior of a spinal disc, said elongate member being adapted to pull said band around the exterior of a spinal disc.

2. (Original) The apparatus of claim 1, wherein the connector element comprises a hook on the distal end of the elongate member.

3. (Original) The apparatus of claim 2, wherein the first end of the band comprises an opening for receiving the hook therein.

4. (Currently Amended) The apparatus of claim 1, wherein the band has a height/width sufficient to cover a spinal disc and at least partially cover at least one vertebra adjacent the spinal disc.

5. (Original) The apparatus of claim 1, wherein the band comprises healing-promoting material.

6. (Original) The apparatus of claim 1, further comprising an extra-cellular matrix material on at least one side of the band.

7. (Original) The apparatus of claim 1, wherein the band comprises a nonporous material.

8. (Original) The apparatus of claim 1, wherein the band comprises a porous webbing.

9. (Cancelled) The apparatus of claim 1, wherein the band comprises bioabsorbable material.

10. (Original) The apparatus of claim 1, wherein the band comprises a second end, the second end comprising a connector for securing the second end to another portion of the band for securing the band around a spinal disc.

11. (Original) The apparatus of claim 10, wherein the connector comprises one or more threads extending from the second end.

12. (Original) The apparatus of claim 1, wherein at least a portion of the band is electrically conductive.

13. (Original) The apparatus of claim 12, further comprising a source of electrical energy coupled to the electrically conductive portion of the band.

14. (Cancelled) The apparatus of claim 1, further comprising a fork member comprising proximal and distal ends defining an axis therebetween, the distal end comprising a pair of tines, each tine comprising a transverse portion extending generally parallel to one another transversely with respect to the axis.

15. (Cancelled) The apparatus of claim 14, wherein the transverse portion of each tine comprises a tip and a heel disposed proximal to the tip, a length between the tip and the heel being sufficient for engaging a first vertebra with the tip and pivotally engaging a second vertebra with the heel to adjust a distance between the first and second vertebrae.

16. (Cancelled) The apparatus of claim 1, further comprising a guide member including a proximal end and a curved distal end having a radius of curvature corresponding substantially to an exterior perimeter of a spinal disc, the guide member comprising a lumen extending between the proximal and distal ends, the lumen having a size for receiving at least a portion of the band therethrough.

17. (Cancelled) The apparatus of claim 16, wherein the lumen through the guide member comprises a slot including a height greater than a width of the band.

18. (Cancelled) The apparatus of claim 17, wherein the proximal end of the guide member defines an axis, and wherein the distal end of the guide member terminates in a distal tip extending transversely with respect to the axis.

19. (Cancelled) The apparatus of claim 17, wherein the height of the lumen extends substantially perpendicular to the radius of curvature of the distal end.

20. (Cancelled) The apparatus of claim 1, further comprising a pair of opposite-hand guide members, each guide member comprising a proximal end and a curved distal end having a radius of curvature corresponding substantially to an exterior perimeter of a spinal disc, each guide

member comprising a lumen extending between the proximal and distal ends, the lumen having a size for receiving at least a portion of the band therethrough.

21. (Currently Amended) An apparatus for treating the exterior of a ruptured or degenerated spinal disc, comprising:

an elongate member comprising a proximal end including a handle thereon, and a curved distal end including a connector element thereon;

a band of biocompatible material having a first end releasably connectable to the connector element on the elongate member, the band having a length sufficient to wrap around an exterior of a spinal disc; and

further comprising a fork member comprising proximal and distal ends defining an axis therebetween, the distal end comprising a pair of tines, each tine comprising a transverse portion extending generally parallel to one another transversely with respect to the axis.

22. (Previously Presented) The apparatus of claim 21, wherein the transverse portion of each tine comprises a tip and a heel disposed proximal to the tip, a length between the tip and the heel being sufficient for engaging a first vertebra with the tip and pivotally engaging a second vertebra with the heel to adjust a distance between the first and second vertebrae.

23. (Currently Amended) An apparatus for treating the exterior of a ruptured or degenerated spinal disc, comprising:

an elongate member comprising a proximal end including a handle thereon, and a curved distal end including a connector element thereon;

a band of biocompatible material having a first end releasably connected to the connector element on the elongate member, the band having a length sufficient to wrap around an exterior of a spinal disc, said elongate member being adapted to pull said band around the exterior of a spinal disc; and

further comprising a guide member including a proximal end and a curved distal end having a radius of curvature corresponding substantially to an exterior perimeter of a spinal disc, the guide member comprising a lumen extending between the proximal and distal ends, the lumen having a size for receiving at least a portion of the band therethrough.

24. (Previously Presented) The apparatus of claim 23, wherein the lumen through the guide member comprises a slot including a height greater than a width of the band.

25. (Previously Presented) The apparatus of claim 24, wherein the proximal end of the guide member defines an axis, and wherein the distal end of the guide member terminates in a distal tip extending transversely with respect to the axis.

26. (Previously Presented) The apparatus of claim 24, wherein the height of the lumen extends substantially perpendicular to the radius of curvature of the distal end.

27. (Currently Amended) An apparatus for treating the exterior of a ruptured or degenerated spinal disc, comprising:

an elongate member comprising a proximal end including a handle thereon, and a curved distal end including a connector element thereon;

a band of biocompatible material having a first end releasably connected ~~able~~ to the connector element on the elongate member, the band having a length sufficient to wrap around an exterior of a spinal disc, said elongate member being adapted to pull said band around the exterior of a spinal disc; and

further comprising a pair of opposite-hand guide members, each guide member comprising a proximal end and a curved distal end having a radius of curvature corresponding substantially to an exterior perimeter of a spinal disc, each guide member comprising a lumen extending between the proximal and distal ends, the lumen having a size for receiving at least a portion of the band therethrough.